

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF OHIO  
3           EASTERN DIVISION

- - -

4           IN RE:   NATIONAL                   :   HON. DAN A.  
5           PRESCRIPTION OPIATE           :   POLSTER  
6           LITIGATION                   :     
7   :     
8           APPLIES TO ALL CASES           :   NO.  
9   :   1:17-MD-2804  
10    :     
11    :

12                   - HIGHLY CONFIDENTIAL -

13           SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

14                   VOLUME I

15                   - - -

16                   January 23, 2019

17                   - - -

18                                   Videotaped deposition  
19           of RON R. KUNTZ, taken pursuant to  
20           notice, was held at the law offices of  
21           Drinker Biddle & Reath, 105 College Road  
22           East, Princeton, New Jersey, beginning at  
23           9:24 a.m., on the above date, before  
24           Michelle L. Gray, a Registered  
25           Professional Reporter, Certified  
26           Shorthand Reporter, Certified Realtime  
27           Reporter, and Notary Public.

- - -

28                   GOLKOW LITIGATION SERVICES  
29           877.370.3377 ph | 917.591.5672 fax  
30                   deps@golkow.com

1 development director; is that correct?

2 A. That's correct.

3 Q. And you were new product

4 development director between

5 February 1997 and January 2000?

6 A. Yes, that's correct.

7 Q. This document here in front

8 of us is dated July 28, 2000?

9 A. Yes.

10 Q. You can set that document

11 aside.

12 A. Okay.

13 (Document marked for

14 identification as Exhibit

15 Janssen-Kuntz-4.)

16 BY MS. BURNS:

17 Q. I'm now handing you what's

18 been marked as Exhibit 4. This document

19 is Bates-labeled JAN-MS-00456196.

20 This document is dated,

21 easily. It's August 28, 2000. So about

22 a month after -- exactly a month after

23 that initial e-mail went out from Michael

24 Grissinger.

1 A. Mm-hmm.

2 Q. And this has a Project Pearl  
3 call plan. And it appears to be joint  
4 JNJ/Purdue.

5 Does this ring a bell?

6 A. Yes, I do remember this now.

7 Q. You do remember this?

8 A. Yes.

9 Q. Excellent. Do you need a  
10 moment to take a closer look at it?

11 A. Yeah, just one minute.

12 Q. Sure.

13 A. Just to refresh.

14 Q. Ready?

15 A. Yes.

16 Q. Okay. So is this -- this  
17 looks to me like a summary sheet of a  
18 call. Is that an accurate understanding?

19 A. I don't know if it's a  
20 summary sheet of a call, but I would  
21 describe it more as a summary sheet of  
22 someone's ideas of what Project Pearl  
23 could look like.

24 Q. Do you know who prepared

1     this document?

2             A.     I don't. I don't know  
3     whether, you know, someone in Mike's  
4     group or, you know, in our conversations  
5     with him.

6             Q.     When you say our  
7     conversations with him, who are you  
8     referring to when you say "our"?

9             A.     Other members within  
10    business development with the individuals  
11    that were listed here. Lou Ferrari.  
12    We -- You know, I'm not sure about Barry  
13    Fitzsimons. I'm not sure what role Barry  
14    played back then.

15            Q.     You are referring to the  
16    names listed on Exhibit 4?

17            A.     The original e-mail. But  
18    I -- after seeing this, I do remember  
19    having discussions about this idea.

20            Q.     Do you understand this to be  
21    an internal J&J document that was not  
22    shared with Purdue?

23            A.     I don't know if it was  
24    shared with Purdue or not. That part I

1 don't remember.

2 What I remember is having  
3 the conversation about the likelihood of  
4 having a joint call plan that each  
5 company would work with and sell their  
6 products.

7 Q. I see. I was -- I was  
8 thinking of call being like a phone call.  
9 But now I recognize that call is  
10 referring to sales rep calls.

11 A. Yes.

12 Q. All right. There, we got my  
13 blond moment over for the day, hopefully.

14 All right. So the Project  
15 Pearl call plan is -- is set forth in  
16 these bullet points below where it says,  
17 "Mirror Purdue and Janssen sales force."

18 Do you have any  
19 understanding of what "mirror Purdue and  
20 Janssen sales force" means?

21 A. Yes. They were looking at,  
22 you know, is there a possibility of  
23 Janssen and Purdue working together and  
24 taking their sales forces and looking at

1     how each sales force, the territories  
2     that the sales representative covers, and  
3     is there a way to match those up to where  
4     there might be a Janssen and a -- and a  
5     Purdue salesperson in the same  
6     geographical territory. That's what they  
7     mean by mirror.

8             Q.     I see. So that they --  
9     there would be like a combination  
10    territory where there would be a Purdue  
11    and Janssen reps in each territory,  
12    that -- that would be combo territory?

13            A.     That was their theory.

14            Q.     Okay. And -- and one of the  
15    benefits of this to Janssen or Johnson &  
16    Johnson would be that fewer Johnson &  
17    Johnson reps would be needed?

18            A.     It looks that way, yes.

19            Q.     Okay. It says in the next  
20    bullet points that "all five pain  
21    products carried by all representatives."

22                    Can you tell me what you  
23    understand that to mean?

24            A.     That -- the idea that this

1 individual had was that both Purdue and  
2 Janssen sales representatives would  
3 educate physicians about OxyContin,  
4 Palladone, Ultracet, Ultram SR and  
5 Duragesic.

6 Q. And in your experience are  
7 sales reps generally capable of  
8 transitioning between different products  
9 within a franchise?

10 MR. LIFLAND: Object to the  
11 form of the question.

12 THE WITNESS: In theory,  
13 because it is a similar  
14 therapeutic area, they would have  
15 the skills and -- and the -- the  
16 ability to talk about multiple  
17 products with a particular  
18 customer.

19 Or if the customer -- you  
20 know, whatever customer they were  
21 talking to, they might rotate and  
22 talk about these two products this  
23 trip. Then next trip they might  
24 talk about two other products.

1           And another trip would be the  
2           fifth and the first. And it would  
3           rotate. That was the theory  
4           behind this idea.

5       BY MS. BURNS:

6           Q.     Are all of these drugs  
7       opioids?

8           A.     Yes, they are.

9           Q.     Which of these drugs are --  
10       you listed OxyContin. That's a Purdue  
11       drug, correct?

12          A.     Correct.

13          Q.     Palladone?

14          A.     That's a Purdue drug.

15          Q.     Ultram SR?

16          A.     Yes.

17          Q.     Purdue?

18          A.     No, that's us.

19          Q.     Sorry. Sorry. And

20       Duragesic is J&J?

21          A.     J&J and Janssen. And

22       Ultracet is J&J.

23          Q.     What does it mean here when  
24       it says, "Rotation of products would



1 develop on three to four-month cycles  
2 according to need?

3 A. That's where, depending on  
4 the customer, the physician, the nurse  
5 practitioner, that -- whoever the  
6 customer was -- not nurse practitioner so  
7 much. Whoever the physician was, you --  
8 they might be educating them about, as an  
9 example, OxyContin and Palladone first.  
10 And then the next trip they may come in  
11 and -- and talk about Duragesic and  
12 Ultram SR. And then the third, you know,  
13 trip they -- they might just talk about  
14 acute pain where they would talk about  
15 Ultracet.

16 So the conversation and the  
17 product mix would -- would change,  
18 because I believe that this was around  
19 the same time that we were thinking of,  
20 or we were in the process of developing  
21 Ultram SR product together, and so the  
22 idea was if we developed Ultram SR  
23 together, would there be an interest by  
24 both companies to develop such a plan

1     that we would have our sales forces be  
2     educated about each other's products and  
3     sell them. I can tell you, it never  
4     happened.

5             Q.     Let's go to the next page.

6             A.     Mm-hmm.

7             Q.     So here there is a  
8     breakdown, it looks like of sales --  
9     sales force numbers targeting different  
10    types of practitioners?

11            A.     Mm-hmm, yes.

12            Q.     This one doesn't really  
13    break down where the sales force numbers  
14    would come from, whether it's from Purdue  
15    or J&J. It's just gives N equals 350 or  
16    100, correct?

17            A.     Correct.

18            Q.     Can you give me an idea of,  
19    if you know, of the types of materials  
20    that a sales representative might provide  
21    to a primary care practitioner about  
22    Duragesic in 2000?

23            A.     I don't know what they would  
24    be sharing with a primary care.

1  
2 CERTIFICATE  
3  
4

5 I HEREBY CERTIFY that the  
6 witness was duly sworn by me and that the  
7 deposition is a true record of the  
8 testimony given by the witness.

9 It was requested before  
10 completion of the deposition that the  
11 witness, RON R. KUNTZ, have the  
12 opportunity to read and sign the  
13 deposition transcript.

14  
15 MICHELLE L. GRAY,  
16 A Registered Professional  
17 Reporter, Certified Shorthand  
18 Reporter, Certified Realtime  
19 Reporter and Notary Public  
20 Dated: January 28, 2019  
21  
22

23 (The foregoing certification  
24 of this transcript does not apply to any  
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